

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ABINGDON DIVISION**

**UNITED STATES OF AMERICA**

v.

**LUKE ADAM THOMPSON,**

Defendant.

)  
)  
) Case No. 1:11CR00044-001  
)

) **OPINION**  
)

) By: James P. Jones  
) United States District Judge  
)

*Jennifer R. Bockhorst, Assistant United States Attorney, Abingdon, Virginia,  
for United States; Luke Adam Thompson, Pro Se Defendant.*

The defendant, Luke Adam Thompson, has filed a motion pursuant to 28 U.S.C. § 2255. I find that the United States' Motion to Dismiss must be granted.

The defendant was sentenced by this court on May 21, 2012, after pleading guilty to possession of a firearm after having been convicted of a felony and being an unlawful user of a controlled substance in violation of 18 U.S.C. §§ 922(g)(1), (3) (Count One) and stealing a firearm from a federally licensed firearms dealer, in violation of 18 U.S.C. § 922(u) (Count Three). He was sentenced to 48 months imprisonment, to be followed by three years supervised release.

On June 22, 2016, Thompson filed a pro se motion pursuant to 28 U.S.C. § 2255, contending that his sentence was invalid based upon the holding of the Supreme Court in *Johnson v. United States*, 135 S. Ct. 2551 (2015). The United

States has filed a Motion to Dismiss, asserting that Stevenson's § 2255 motion is without merit.

Thompson's motion does raise any *Johnson* claim. He was not sentenced under the Armed Career Criminal Act and had no Guideline enhancements due to prior crimes of violence. His motion does not state a claim for relief and is barred by the applicable one-year statute of limitations. 28 U.S.C. § 2255(f).

For these reasons, the United States' Motion to Dismiss will be granted and the § 2255 motion dismissed.

A separate final order will be entered forthwith.

DATED: August 8, 2017

/s/ James P. Jones  
United States District Judge